

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 20, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 11:00 a.m., November 20, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Ross Tate, County Auditor, delivered the invocation.

PLEDGE OF ALLEGIANCE

Joy Rich, Director of Planning and Development, led the assemblage in the Pledge of Allegiance.

CHARITABLE CAMPAIGN DRAWING - WITHDRAWN

Drawing of tickets for the 2002 Combined Charitable Campaign vehicle and air hockey table.

Clerk of the Board Fran McCarroll announced that this item was withdrawn.

PUBLIC HEARING - ENVIRONMENTAL SERVICES – AMEND ENVIRONMENTAL HEALTH CODE

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve amending Chapter VII of the Maricopa County Environmental Health Code. The proposed amendments will allow the mandatory Food Safety Manager License to be expanded from its current three-year renewal requirement to five years from the date the participant passed the exam. The National Conference for Food Protection has standardized the certification process and effectiveness time spans between the private providers to five years. This would align the County's licensing process with that of the national guidelines. The amended code will become effective upon the date of Board of Supervisors' approval. (C88030107) (C88030117) (ADM2102)

Aimee Upton, Environmental Services, was present to answer any questions but there were none.

ORGANIZE DREAMING SUMMIT IMPROVEMENT DISTRICT

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to organize the Dreaming Summit Unit 1A Street Lighting Improvement District, located in the vicinity of Bethany Home Road and 134th Avenue, and appoint the Superintendent of Streets as District Engineer. The district purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. A petition representing 100% of the property owners of the district has been presented requesting the formation of this district. (C64031167) (ADM4302)

**ORDER ESTABLISHING
DREAMING SUMMIT UNIT 1A
STREET LIGHTING IMPROVEMENT DISTRICT**

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A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, on October 3, 2002, praying for the establishment of Dreaming Summit Unit 1A Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 20th day of November, 2002, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

A portion of Sections 10 and 15, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

Commencing at a Maricopa County brass cap in a hand-hole found at the center of said Section 10, thence South 00°20'33" West, along the west line of the southeast quarter of said Section 10, a distance of 1875.43 feet to the southwest corner of Lot 343, Dreaming Summit Unit 1, recorded in Book 554, Page 28 records of Maricopa County, Arizona and the True Point Of Beginning;

thence South 89°45'52" East, along the south line of Lot 343, a distance of 135.00 feet to a point on the centerline of Florence Avenue;

thence South 00°20'33" West, along the centerline of Florence Avenue, a distance of 78.58 feet to a point on the centerline of Berridge Lane;

thence South 88°34'31" East, along the centerline of Berridge Lane, a distance of 453.67 feet to a point of curvature concave northwesterly, whose radius is 400.00 feet;

thence northeasterly, along the centerline of Berridge Lane, along said curve to the left, through a central angle of 20°56'10", an arc length of 146.16 feet;

thence North 70°29'19" East, along the centerline of Berridge Lane, a distance of 7.34 feet to a point on the westerly right-of-way line of 134th Avenue;

thence South 21°29'58" East, along the westerly right-of-way line of 134th Avenue, a distance of 280.17 feet to a point of curvature concave southwesterly, whose radius is 570.00 feet;

thence southerly, along the westerly right-of-way line of 134th Avenue, along said curve to the right, through a central angle of 22°55'27", an arc length of 228.06 feet;

thence South 01°25'29" West, along the westerly right-of-way line of 134th Avenue, a distance of 151.90 feet;

thence South 46°25'29" West, along the westerly right-of-way line of 134th Avenue, a distance of 14.14 feet to a point on the north right-of-way line of Bethany Home Road;

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thence North 88°34'31" West, along the north right-of-way line of Bethany Home Road, a distance of 117.74 feet to a point of curvature concave southeasterly, whose radius is 680.00 feet;

thence southwesterly, along the north right-of-way line of Bethany Home Road, along said curve to the left, through a central angle of 35°04'10", an arc length of 416.21 feet;

thence South 56°21'19" West, along the north right-of-way line of Bethany Home Road, a distance of 150.87 feet to a point of curvature concave northwesterly, whose radius is 495.00 feet;

thence southwesterly, along the north right-of-way line of Bethany Home Road, along said curve to the right, through a central angle of 29°09'56", an arc length of 251.97 feet to a point on the west line of said DREAMING SUMMIT UNIT 1;

thence North 00°20'33" East, along the west line of said DREAMING SUMMIT UNIT 1, a distance of 242.41 feet to the south quarter corner of said Section 10;

thence North 00°20'33" East, along the west line of the southeast quarter of said Section 10, along the west line of said Dreaming Summit Unit 1, a distance of 743.83 feet to the True Point Of Beginning.

Said parcel containing 14.455 acres, more or less.

And further declares that said district is now established under the name of Dreaming Summit Unit 1A Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

DATED this 20th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ORGANIZE 7TH STREET NORTH IMPROVEMENT DISTRICT

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the organization of the 7th Street North Improvement District, located in the vicinity of 7th Street from Carefree Highway to Paint Your Wagon Trail. The district is for paving. (C64031177) (ADM4302)

In making the motion, Supervisor Kunasek congratulated residents on overcoming differences to work together on this project. He said that he appreciated their acceptance that the Board had certain legal restrictions which made it necessary for them to form an improvement district to resolve their problem.

**ORDER ESTABLISHING
7TH STREET NORTH IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, on October 8, 2002, praying for the establishment of the 7TH Street North Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been

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presented to the Board of Supervisors on September 18, 2002, and the said Board of Supervisors having set the hearing on said petition on the 20th of November, 2002, at the hour of 11:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

Those portions of Sections 8 and 9, Township Five North, Range Three East of the Gila and Salt River Base and Meridian, Maricopa County Arizona, and described as follows;

The West half of the West half of the Northwest quarter (W/2 of W/2 of NW/4) of Section 9, except the Northwest quarter of the Northwest quarter of the Northwest quarter of said Section (NW/4 of NW/4 of NW/4).

AND

The East half of the East half of the Northeast quarter (E/2 of E/2 of NE/4) of Section 8, except the Northeast quarter of the Northeast quarter of the Northeast quarter of said Section (NE/4 of NE/4 of NE/4).

To include:

The paving improvements of 7th Street from Carefree Highway to Paint Your Wagon Trail

And further declares that said district is now established under the name of 7TH Street North Improvement District, by which name it shall be known in all proceedings hereafter.

DATED this 20th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

LIQUOR LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

Application filed by Shahid Hanif for an Original, Series 10 Liquor License: (LL6069)

Business Name: Diamond Dot Market
Location: 25851 South Power Road, Queen Creek

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

ROAD DECLARED (ROAD FILE NO. 5244)

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403076B) (F23085)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Final Plat for Greenfield Glen, subdivision as shown in Book 495 of Maps, Page 43, M.C.R., within the vicinity of Greenfield Road and Chandler Heights Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5245)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403077B) (F23086)

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WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Litchfield Heights, Unit IV, a subdivision as shown in Book 500 of Maps, Page 16, M.C.R., within the general vicinity of Camelback Road and Jackrabbit Trail.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5246)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403078B) (F23087)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

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All streets consistent with the rights-of-way as depicted in Anthem Unit 1, a subdivision as shown in Book 476 of Maps, Page 31, M.C.R., within the general vicinity of Anthem Way and Independence Way.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5247)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403079B) (F23088)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Anthem Unit 5, a subdivision as shown in Book 514 of Maps, Page 47, M.C.R., within the general vicinity of Memorial Drive and Freedom Way.

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WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5248)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403080B) (F23089)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Anthem Unit 18, a subdivision as shown in Book 522 of Maps, Page 35, M.C.R., within the general vicinity of Memorial Drive and Gavilan Peak Parkway.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

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WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5249)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403081B) (F23090)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Anthem Unit 19, a subdivision as shown in Book 543 of Maps, Page 22, M.C.R., within the general vicinity of Memorial Drive and Gavilan Peak Parkway.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

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WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5252)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403082B) (F23091)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Cloud Creek Ranch, a subdivision as shown in Book 499 of Maps, Page 45, M.C.R., within the general vicinity of Cloud Road and Crismon Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

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NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5253)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403083B) (F23092)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Those streets consistent with the rights-of-way as depicted in Bears Estates, a subdivision as shown in Book 517 of Maps, Page 37, M.C.R., except the Maplewood Circle cul-de-sac within the general vicinity of Germann Road and Greenfield Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

ROAD DECLARED (ROAD FILE NO. 5254)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6403084B) (F23093)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 16th day of October, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way as depicted in Superstition Views, a subdivision as shown in Book 454 of Maps, Page 44, M.C.R., within the general vicinity of University Drive and Ellsworth Road.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

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BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 20th day of November 2002.

REALLOCATION OF WASTE MANAGEMENT FUNDS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve reallocating \$1,753 of Waste Management Funds previously allocated for the Mobile Community Counsel requests in order to fund the repair of a fire truck for their community. (C06030038) (ADM3426)

SETTLEMENT OF CLAIM IN ASSOCIATED MEDICAL SUPPLY, INC. v. MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve settlement of claim in associated Medical Supply, Inc. v. Maricopa County in the amount of \$891. (Discussed in Executive Session on November 18, 2002.) (C1903019M) (ADM409)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases from \$11.99/hr. to \$13.19/hr. for two Legal Support Assistant positions in the County Attorney's Office, retroactive to July 8 and August 5, 2002. These increases are not budgeted, but to be paid for through realized salary savings. (C19030206) (ADM3308) (ADM 3321)

FILING OF PROPERTY TAX APPEAL – AIDA RENTA TRUST, EL AL

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the filing of a property tax appeal to the Court of Appeals in the matter of Aida Renta Trust, et al. v. Maricopa County, Arizona Department of Revenue, No. CV 96-016474. (Discussed in Executive Session on November 4, 2002.) (C1903021M) (ADM409)

DENY ASSESSOR'S PROPOSED TAX APPEAL SETTLEMENT RECOMMENDATION – MAYO CLINIC ARIZONA v. MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to deny the Assessor's proposed Tax Appeal Settlement Recommendation in the amount of \$27,750, in the real property tax appeal matter of Mayo Clinic Arizona v. Maricopa County, No. TX 2001-000619. (Discussed in Executive Session on November 4, 2002.) (C19030220) (ADM409)

GRANT FUNDING FROM GOVERNOR'S OFFICE OF COMMUNITY POLICY – STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM

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Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve receipt of grant funds from the Governor's Office of Community Policy for the STOP Violence Against Women Grant Program in the amount of \$189,582. This grant also requires a match of \$77,675. This contract, AD030003-006 shall be for the period of October 1, 2002, to January 31, 2004. By approving this agenda item, the Board will be authorizing an increase in grant funding for FY 20027-2003 \$100,273. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S §42-17105. (C19030233)

FILING OF SPECIAL ACTION IN TAX COURT AGAINST STATE BOARD OF EQUILIZATION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the filing of a Special Action in Tax Court against the State Board of Equalization, et al, for tax year 2003. (Discussed in Executive Session on November 4, 2002.) (C19030240) (ADM409)

DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept donations as follows:

- a) \$1,200 from Kachina Kennel Club for the sole use of the Sheriff's Office Canine Unit for items deemed necessary. (C5003041M) (ADM3900)
- b) Eight pieces of fitness equipment valued at \$1,750, from Bally Total Fitness, for the Sheriff's Office District II facility. (C5003042M) (ADM3900)

CRITICAL MARKET SALARY INCREASES AND APPROPRIATION ADJUSTMENT AND TRANSFER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases for Criminal Analyst I positions in the Sheriff's Office, to be retroactive to August 19, 2002. These increases will include position #2312, \$16.34 to \$18.04; #2315, \$17.17 to \$18.46; #2316, \$18.95 to \$20.41; #15347, \$15.17 to \$18.04; #2322 and #15346, \$22.53 to \$24.87. These increases are not budgeted. Also, approve an appropriation adjustment and transfer, in the amount of \$23,896 from the General Government Contingency Fund to the Sheriff's Office General Fund to cover the cost of this increase. (C5003046M) (ADM3308) (ADM 3321)

FILING OF TRANSCRIPT OF SCHOOL DISTRICT BOUNDARIES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the filing by the Maricopa County Superintendent of Schools, per A.R.S. §15-442, of the transcript of the boundaries for each school district within Maricopa County, as filed with the Clerk of the Board of Supervisors prior to December 1, 2002. The boundaries reflected in the transcript shall remain the legal boundaries of the districts until changed and filed as provided by law. Any future changes to these boundaries will be filed as required by A.R.S. §15-442, prior to December 1, 2002, to become effective the following July 1, 2003. (C37030027) (ADM3813)

FIRE DISTRICT GOVERNING BOARD MEMBERS AND OFFICERS APPOINTED

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint fire district governing board members and officers for four-year terms beginning December 1, 2002, pursuant to ARS §48-802(D), for the following fire districts:

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Buckeye
Circle City-Morristown
Daisy Mountain
Harquahala
Laveen
Rio Verde
Sun City
Sun City West
Sun Lakes

Also direct the Clerk of the Board of Supervisors to issue Certificates of Appointment/Election for those officers for four-year terms. (This is Addendum Item A-1.) (C21030070)

FY 2002-2003 GRANTS AND BUDGET APPROPRIATION ADJUSTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the FY 2002-2003 grants for the Superior Court Administration Department of the Judicial Branch in the amount of \$3,812,130.28 total. Mst of the grants for FY 2002-2003 do not allow for indirect cost recovery. Also approve a budget appropriation adjustment totaling \$519,103 for Fund 238 and ~~\$75,949~~ \$525,517 (Correction by the Clerk of the Board, Fran McCarroll) for Fund 264. (C38030053)

APPOINTMENT OF COURT COMMISSIONERS AS PRO TEMPORE JUSTICES OF THE PEACE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the appointment of Court Commissioners as Pro Tempore Justices of the Peace for the period from January 1, 2003, through December 31, 2003, to serve in the various programs in the Justice Courts to reduce trial delay. These individuals would serve without any additional compensation other than that to which they are entitled as Court Commissioners. (C38030097) (ADM1001)

**Commissioners for Appointment as Pro Tem Justices of the Peace
Superior Court of Arizona - Maricopa County
January 1, 2003 - December 31, 2003**

Last Name	First Name	Bar Number
Anderson	William David	004527
Arriola	Elizabeth P.	004814
Arrow	David P.	006648
Bassett	Edward W.	010551
Bayham-Lesselyong	Jane	005223
Chavez	Harriett E.	005399
Colosi	Robert A.	004181
Cunanan	David O.	014382
Davis	Jay L.	013512
Eckhardt, Jr.	Carl W.	010853
Ellexson	Randy L.	003656
Ellis	Lindsay	004968
Faust	Amiee B.	011965
Foster, Jr.	George H.	009090
Gerst	Toby Maureen	001966
Hamner	Barbara A.	014799

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Harris	Myra A.	004562
Hoffman	Kristin Carson	004414
Holding	Steven K.	012496
Lee	Raymond P.	006088
Lester	Michael	002908
Lewis	Nancy K.	004583
Madden	Shelia A.	012905
Nothwehr	Richard L.	011644
Owens	Bernard C.	009791
Parks	Eve	012797
Passamonte	Carolyn K.	014589
Peterson	Wesley E.	012311
Richter	Virginia L.	006437
Smith	Shellie	012714
Vatz	Benjamin E.	005513
Woodburn	R. Jeffrey	005050
Wotruba	Chris E.	004084

APPOINTMENT OF ATTORNEYS AS PRO TEMPORE JUSTICES OF THE PEACE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the appointment of attorneys as Pro Tempore Justices of the Peace in Maricopa County for the period from January 1, 2003, through December 31, 2003, to serve in the various programs in the Justice Courts to reduce trial delay. These individuals would serve voluntarily without compensation. (C38030107) (ADM1001)

**Attorneys for Appointment as Pro Tem Justices of the Peace
Superior Court of Arizona - Maricopa County
January 1, 2003 - December 31, 2003**

Last Name	First Name	Bar	Last Name	First Name	Bar
Acer	John Whedon	002684	Guerin, Jr.	T. H.	004837
Adelman	Bette O.	010544	Harris	Irwin	001722
Atonna	Arthur C.	003363	Hintze	Michael D.	011233
Bluff	Guy William	010778	Holliday	Denise Michelle	017275
Bohlman	Herbert M.	001759	Huffman	Lyle R	002801
Bonn	Jeffrey D.	002031	Hull	Andrew M.	004153
Bradshaw	Mark Davis	007170	Jackson	Walter L.	004842
Butler	Jeremy E.	001138	Jacobs	Thomas	002954
Cannata, Jr.	F. Richard	011420	Jones	Fredrick M.	006368
Cantor	Alena	000641	Keenan	Ileen K.	013282
Chambliss	Richard E.	004957	Kelly, Jr.	Joseph S.	004992
Ching	Anthony B.	016144	Keyt	Norman C.	004225
Cohen	Larry J.	010192	Kirtley	Patricia Ann	013905
Conti Jr.	Frank J.	013188	Klinge	Joel M.	013910
Conti, Jr.	Frank J.	013188	Koglmeier	Matthew D.	007200
Demars	William B.	003395	Koopman	Francis	006087
Dodge	Franklin	009076	Kuhstoss	Terry L	006701
Drexler	David	013522	Mahon	Alexander	
Edwards	J. Stanley	004190	Margolis	Roger Todd	017356
Fadell	Gary Allen	005879	Marks	Stanley J.	001833
Fletcher	David F.	004833	Matz	Theodore	001176

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Flynn	John F.	003988	Melton	Robert E.	011615
Flynn	John Foster	003988	Micuda	Kip Michael	011921
Gaines	Howard R.	014170	Molner	William F.	004850
Goldman	Suzanna	015442	Moulton	Timothy Lee	010066
Mount	George B.	002602	Wiggs	Steven Brent	012413
Nelson	Douglas N.	016678	Williams	Anne M.	012414
Newcomb	Casey John	013350	Williams	Scott Edward	012417
Pallin-Hill	Leah	012297	Wilson, Jr.	Donald	005205
Palumbo	Michael R.	006938	Winter	Elizabeth A.	011360
Parham	Michael	004853	Wolcott	Dean M.	002980
Parker	Caryl K.	005833	Wolf	Guy P.	013719
Petroff	Kathryn L.	015963	Zastrow	John T.	002738
Pillinger	Terry H.	004371	Zweig	Jay Alan	011153
Ponath	William	009543	Powers	Frank I.	013369
Price	Sandra E.	015254	Rich	Stephen C.	007488
Rose	David L.	014020	Rowley	Paul S.	011071
Scarduzio, Jr.	Thomas A.	005752	Shifman	Errol	014889
Smith	Francis "Pat"	010464	Smith	Roger D.	005037
Smith	Laine B.	004260	Southern	E. Reid	002382
States	Dale L.	001543	Strong	Brian Dale	013423
Sweeney	Kevin B.	011737	Swenson	Ruth M.	010731
Tully	Brian Brendan	015572	Turk	Andrew B.	014912
Tuskai	Leslie Steven	012582	Weiner	Gilbert Bernard	013707

BUDGET TRANSFER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a budget transfer of \$42,133 for FY 2002-2003 from Justice Courts Grants Fund 246 to Superior Court Fill-the-Gap Fund 264 that will fund the transfer of two positions from Justice Courts to Superior Court. (C38030113) (ADM1002)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (October 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$470,455.13 and ARS §11-622 \$3,947.59) (C39030067) (ADM1804)

**MONTHLY SUMMARY REPORT
October 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	9,969.00	0.00
Allure Plastic Surgery Pc	375.26	0.00
Associated Radiologists, Ltd	23.00	0.00
Paratz, Robert A. Md	8,190.00	0.00
City Of Phoenix Ambulance	1,722.07	0.00
Clinical Diagnostic Radiology	767.00	0.00

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Emergency Physicians Prof Asso	483.00	0.00
Emergency Professtional Svcs Pc	266.27	0.00
Haddan, Ronald O. Md	75.00	0.00
Maricopa Health Systems	251,234.94	85.79
Medical Diagnostic Imaging Grp	38.00	0.00
Medpro	110,433.50	3,861.80
Mesa General Hospital	1,200.00	0.00
Phoenix Infectious Disease	280.00	0.00
Phoenix Memorial Hospital	34,401.10	0.00
Professional Medical Transport	5,634.17	0.00
Progressive Medical	286.00	0.00
Rural Metro Ambulance	2,531.93	0.00
Sitelman, Arthur Md	240.00	0.00
Southwest Ambulance	7,928.69	0.00
Southwest Neuro-Imaging	341.00	0.00
St Josephs Hosp Arizona	29,396.20	0.00
Valley Anesth Consultants Ltd	4,130.00	0.00
Valley Radiologists Ltd	509.00	0.00
Grand Totals:	470,455.13	3,947.59
Restitution	0.00	
Total Denials:	474,402.72	

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

PERFORMANCE AWARD LEAVE PROGRAM AND PARTICIPATION BY DEPARTMENTS

Item: The "Performance Award Leave" Program per the Maricopa County Compensation Plan, Section VII, Sub-section D. This temporary program awards individual employees with a specified number of hours off with pay as a means of motivating employees and rewarding their performance. Also, approve the participation in the program by the following departments: 050 BOS District 5, 060 Clerk of the Board, 110 Adult Probation, 150 Emergency Management, 160 Clerk of the Superior Court, 170 Community Development, 180 Finance, 190 County Attorney, 220 Human Services, 230 Internal Audit, 250 Constables, 260 Correctional Health, 300 Parks & Recreation, 310 Human Resources, 350 Total Compensation, 370 Superintendent of Schools, 390 Health Care Mandates, 400 Capital Facility Development, 410 Office of the CIO, 430 Treasurer, 440 Planning & Development, 460 Research & Reporting, 490 Management & Budget, 520 Public Defender, 540 Legal Defender, 550 Legal Advocate, 560 Contract Counsel, 640 Transportation, 700 Facilities Management, 730 Materials Management, 740 Equipment Services, 750 Risk Management, 760 Telecommunications, 790 Animal Care & Control, 880 Environmental Services. (C35030066)

This item was withdrawn as reported by the Clerk of the Board, Fran McCarroll.

MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN FOR RISK MANAGER

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Management Incentive Program Performance Plan for Peter Crowley, Risk Manager, for FY

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2002-2003, in compliance with the Board approved Management Incentive Policy. (C35030056) (ADM3300)

**FY 2002-03
Management Incentive Program Performance Plan
For
Peter Crowley, Risk Manager**

Tom Manos, Chief Financial Officer, Maricopa County and Peter Crowley, Risk Manager, Maricopa County, agree that in addition to his Annual Salary Compensation as Risk Manager, Mr. Crowley will receive an additional Incentive Compensation package of \$6,000.00, payable in three \$2,000.00 increments approximately every four calendar months upon his meeting the following goals:

First Incentive payment of \$2,000.00, due on or about November 20, 2002, upon completion of –

1. Review organization of County departments handling environmental exposures, and make any appropriate recommendations for reorganization.
2. Complete and submit to publisher the Risk Management brochure to clarify Risk Management programs for employees and departments.

Second Incentive payment of \$2,000.00, due on or about February 28, 2003, upon completion of –

1. Given the present hard insurance market, with rapidly increasing premium costs, obtain bids for replacement insurance to cover exposure areas where existing insurance policies are subject to renewal, and if appropriate, make recommendations for alternative means to provide risk coverage for the County.
2. Develop a Quality Assurance Program to ensure that the Workers Compensation Third Party Administrator is processing claims in an efficient manner.

Third Incentive payment of \$2,000.00, due on or about June 30, 2003, upon completion of –

1. Reduce controllable budget expenses by 5%.
2. Increase subrogation recoveries by 5%.

DEPOSIT REVENUES RECEIVED INTO PARK ENHANCEMENT FUND

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a request from the Parks and Recreation Department to deposit revenues (\$20,100 in minimum rent to be generated in FY 2002-2003) received from an Intergovernmental Agreement with the City of Chandler into the Park Enhancement Fund. Following is a timeline regarding this IGA: (C30030082) (ADM4585) (ADM3200)

- An IGA was entered into with the City on January 12, 1993, which provided for the transfer of title to 225 acres of County land, formerly known as the Spreckles property, to the City of Chandler. The purpose of the IGA was to provide an agreement that would allow the City of Chandler to develop a public golf course facility on this property.
- On July 15, 1997, an amendment to the IGA was subsequently approved which established in part, a revenue sharing schedule between the City and the County that was based upon anticipated future proceeds to be generated from the

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operation of the facility. Inasmuch as the golf course was originally scheduled to open to the public in January of 2000, the first significant revenue sharing payment to the County under that schedule was due in January of 2002.

- In the spring of 2002, after no payment had been received, Parks and Recreation staff initiated contact with the City. It was soon discovered that each party had a different interpretation as to the effective date of the revenue sharing schedule. This occurred because of delays in the development process that led to the golf course opening a full year later than originally planned, coupled with the City failing to negotiate a second amendment to the IGA thereby delaying the effective date of the revenue sharing schedule.
- On August 16, 2002, after a considerable amount of time had been invested by Parks and Recreation staff in pursuing this matter, the City conceded its interpretation of the amendment and paid all of the past due as well as current revenue owed to the Parks and Recreation Department. A request is now being submitted for these revenues, and any future revenues generated by the amendment, to be deposited into the Park Enhancement Fund to support County park operations.
- Since the IGA specifically mentioned that it is the County's mission to provide similar recreational opportunities for County residents through the Parks and Recreation Department, by that very reference the department should be entitled to any revenue collected to support park operations as well as offset its costs to administer the IGA and amendment.
- The IGA further reads that should the property and improvements cease to be used as a public golf facility, they would revert back to the County. Because such a reversionary action would also include the improvements, it is important to note that the Maricopa County Parks and Recreation Department would have the qualified personnel necessary to keep the golf course open to the public.

DISSOLVE EXISTING ADVISORY PARKS AND RECREATION COMMISSION AND CREATE NEW COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to dissolve the existing fifteen member advisory Parks and Recreation Commission, and create a new advisory Parks and Recreation Commission with seven commissioners, effective December 31, 2002. A new seven member advisory commission shall then be created and shall be constituted as follows:

- Each Supervisor shall appoint one member from their district.
- A sixth member shall be nominated by the Chairman of the Board of Supervisors subject to the approval of the Board.
- A seventh member of the commission shall be appointed by the Board of Supervisors from a recommendation of the Director of the Parks and Recreation Department. The seventh member shall be a recognized professional in the parks and recreation field, or open space management.

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This appointment shall exclude any employee of Maricopa County. This new commission shall take office on January 1, 2003. Each commissioner appointed from the five supervisory districts shall serve at the pleasure of the Board member from that district. The remaining two commissioners shall serve at the pleasure of the Board of Supervisors. All seven commissioners shall serve terms of two years. (C30030097) (ADM3203)

YEAR 2002 BULLETPROOF VEST PARTNERSHIP GRANT FUNDING

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of Year 2002 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$6,192.77. BJA approved this funding amount on May 29, 2002. Funds will be used to reimburse 50% of the costs for 15 bulletproof vests for use by county personnel in Pretrial Services, Parks and Recreation, Adult Probation and Sheriff's Office. The vests are to be invoiced, received and federal payment requested within four years. Pretrial Services and the Sheriff's Office will receive \$1,976.61 each for 6 vests; Parks and Recreation will receive \$988.31 for 3 vests; and Adult Probation will receive \$1,151.76 for 6 vests. The Sheriff's Office is the administrator for these grant funds. They will receive the funds from the BJA and dispense appropriate funds to each participating department. Their revenue will be \$6,192.77. (This is Addendum item A-2.) (C20030070)

AMENDMENT TO CONSULTANT SERVICES CONTRACT WITH EPG, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to approve and execute the consultant services contract with EPG, Inc. for the professional services to be performed in connection with the San Tan Mountain Regional Park Master Plan in the amount of \$285,589.52. The City of Chandler pledged \$25,000, City of Mesa pledged \$40,000, Town of Gilbert pledged \$40,000, and Town of Queen Creek pledged \$40,000 for a total of \$145,000 to revise the San Tan Mountain Regional Park Master Plan. The idea would be that the cities and towns that would provide the funding would become partners through an Intergovernmental Agreement with Maricopa County for the purpose of revising the master plan. Further, each community would obtain one chair at the table (one vote) for their financial contribution, and Maricopa County would get three chairs at the table (3 votes). The purpose in revising the 1990 San Tan Mountain Regional Park Master Plan is that the master plan is outdated as a planning tool for development, and does not meet the Parks and Recreation Department strategic goal #3, that by July 2003, the Parks and Recreation Department will identify and begin creation of buffer zones through acquisition of land and park planning to isolate park use areas from the effect of off-park development to preserve a positive park experience. The scope of work for the revision of the San Tan Mountain Regional Park Master Plan would include four major components: programming and scope definition, public participation plan, data inventory and analysis, and master development plan. Maricopa County funds to pay for the revised master plan would be from Parks and Recreation Department Capital Fund monies set aside in the General Government Major Maintenance Fund. The funding from the cities and towns would all need to be in place through an IGA before any Request for Technical Proposal would be issued. These funds will be placed in the Parks Grant Fund, segregated by reporting category for this purpose. (This is Addendum item # A-3.) (C3002026501) (ADM3233)

FUND TRANSFERS

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State

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Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

FUNDING AGREEMENT WITH INTERNATIONAL GENOMICS CONSORTIUM

Item: Approve a Funding Agreement between Maricopa County and the International Genomics Consortium (IGC), upon County Counsel approval of the final form of the agreement. The five-year agreement would pay the IGC \$1 million per year contingent upon the IGC's accomplishment of predetermined economic development goals. (C18030081)

Supervisor Brock said that Chairman Stapley recently went to visit the National Institute of Health in Bethesda, Maryland, to review the consortium's work and reaffirm the research projections that were made should the IGC relocate to Phoenix. He indicated that because of reassurance he received from the Chairman following his visit, and even though he was not completely supportive of the governance methods adopted by the IGC, he felt that the potentially huge advances in treating several debilitating and terminal diseases as well as the positive impact the Consortium will bring to this area of the southwest, has convinced him to support this measure.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a Funding Agreement between Maricopa County and the International Genomics Consortium.

RESOLUTION – LEASE REVENUE REFUNDING BONDS, SERIES 2002

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt a resolution which would authorize the issuance of not-to-exceed \$40,000,000 aggregate principal amount of Maricopa County, Arizona, Lease Revenue Refunding Bonds, Series 2002, and authorize the execution and delivery of related documents and delegate to the Chief Financial Officer authority to take certain actions in connection with the bonds. (C18030098) (F23100)

RESOLUTION

RESOLUTION APPROVING AND AUTHORIZING THE AMENDMENTS TO EXISTING LEASE-PURCHASE AGREEMENTS AND/OR THE EXECUTION AND DELIVERY OF A SERIES LEASE-PURCHASE AGREEMENT, A TRUST INDENTURE AND/OR SUPPLEMENT TO AN EXISTING TRUST INDENTURE, A DEPOSITORY TRUST AGREEMENT AND A CONTINUING DISCLOSURE UNDERTAKING; AUTHORIZING THE PREPARATION AND APPROVAL OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS; APPROVING THE ISSUANCE OF NOT TO EXCEED \$40,000,000 AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE REFUNDING BONDS, BY, A NONPROFIT CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS ON BEHALF OF THE COUNTY TO REFINANCE VARIOUS LEASE-PURCHASE AGREEMENTS WHICH PROVIDED FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF VARIOUS COUNTY FACILITIES; AUTHORIZING THE SALE OF SUCH BONDS PURSUANT TO A BOND PURCHASE AGREEMENT, AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DELEGATING CERTAIN DUTIES TO THE COUNTY'S CHIEF FINANCIAL OFFICER AND RATIFYING CERTAIN ACTIONS.

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WHEREAS, Maricopa County, Arizona (the "County"), has acquired on a lease-purchase basis certain real property and certain improvements constructed thereon and other equipment and improvements (collectively, the "Projects") pursuant to Arizona Revised Statutes, Section 11-251.46 pursuant to Lease Purchase Agreements dated as of August 1, 1993, August 1, 1994, August 1, 1996, February 1, 2000 and November 1, 2000, respectively, each between the County as lessee and Maricopa County Public Finance Corporation as lessor (collectively, the "Certificated Leases"); and

WHEREAS, the County and/or Maricopa Medical Center, a hospital enterprise and separate unit of the County governed by the Board of Supervisors have acquired equipment, including modular buildings, energy savings equipment, communications, helicopters, (the "Equipment") on a lease-purchase basis pursuant to various agreements (collectively, the "Lease Agreements") the outstanding aggregate principal balances of which are approximately \$17,700,000 (the Lease Agreements and the Certificated Leases are collectively referred to herein as the "Refunded Obligations"); and

WHEREAS, the County desires to provide for the refinancing of costs of the Projects and the Equipment through the issuance and sale of not to exceed \$40,000,000 aggregate principal amount of Lease Revenue Refunding Bonds, Series 2002 or such later year in which such bonds may be issued (the "Bonds") of Maricopa County Public Finance Corporation (the "Corporation"), pursuant to the hereinafter described Trust Indenture, said Bonds to be payable from lease payments to be made by the County pursuant to either a Series Amendment to Series 2001 Lease-Purchase Agreement, to be dated as of December 1, 2002 or such later date as may be appropriate and/or amendments to or restatements of the Certificated Leases and the Lease Agreements (such agreement or agreements collectively referred to as the "Lease-Purchase Agreement"), between the Corporation and the County, as assigned to a trustee (the "Trustee") to be selected by the County's Chief Financial Officer (the "Chief Financial Officer"), pursuant to a Trust Indenture to be dated as of December 1, 2002 or such later date as may be appropriate or a supplement to that certain Trust Indenture dated as of June 1, 2001 between the Corporation and BNY Western Trust Company (in either case, the "Trust Indenture"); and

WHEREAS, the County, as agent for the Corporation will agree to cause the net proceeds of the Bonds to be deposited with a trustee under a Depository Trust Agreement to provide for the refinancing of the Certificated Leases and the Lease Agreements, to be dated as of December 1, 2002 or such later date as may be appropriate (the "Depository Trust Agreement") or in lieu thereof, deposited directly with the entity or entities to which lease payments are required to be paid; and

WHEREAS, the County is reconsidering the nature and extent of the projects to be financed with the proceeds of the Series 2001 Bonds issued under the Trust Indenture and may request Ambac Assurance Corporation ("Ambac Assurance") as insurer of the Series 2001 Bonds to consent to amendments to the Trust Indenture and the Lease-Purchase Agreement; and

WHEREAS, to facilitate the sale of the Bonds, it will be necessary to cause to be prepared and distributed a Preliminary Official Statement and final Official Statement with respect to the Bonds and for the County to execute and deliver a Continuing Disclosure Undertaking.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that:

Section 1. It is hereby found and determined that the refinancing of the Certificated Leases and the Lease Agreements through the execution and delivery of the Lease-Purchase Agreement is in furtherance of the purposes of the County and in the public interest.

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Section 2. The County hereby approves the issuance and delivery of the Bonds, as hereinafter described, by the Corporation. The Bonds shall be issued in the aggregate principal amount of not to exceed \$40,000,000. The Bonds shall be in the denomination of \$5,000 or any integral multiples of \$5,000 in excess thereof, shall be dated December 1, 2002 or such later date as provided in the Trust Indenture, and shall bear interest from such date payable on January 1 and July 1 of each year, commencing July 1, 2003 or such other dates as may be specified in the Trust Indenture, and shall be fully registered Bonds as provided in the Trust Indenture. The Bonds shall bear interest at the rates per annum that result in a true interest cost not to exceed 8.00% and shall produce net present value savings in the amount of at least 2.25% of the principal amount of the Refunded Obligations and shall mature on July 1 (or such other dates as specified in the Trust Indenture) in the years and principal amounts (with a final maturity date not later than fifteen years from the date of initial delivery of the Bonds) all as are to be set forth in the Trust Indenture.

The forms, terms and provisions of the Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Trust Indenture and are hereby approved.

Section 3. The Chief Financial Officer is authorized to cause to be prepared a Preliminary Official Statement to deem as "final" for all purposes of Section 240.15c2-12, General Rules and Regulations, Securities Exchange Act of 1934, and its distribution is hereby authorized. The County will cause a final official statement (the "Official Statement") in substantially the form of the preliminary official statement referred to above to be prepared and distributed with the Bonds upon initial issuance. The Chairman of this Board and the Chief Financial Officer are authorized to approve, execute and deliver the Official Statement on behalf of the County and the execution by the Chairman of this Board and the Chief Financial Officer shall be deemed conclusive evidence of such approval.

Section 4. The Chief Financial Officer is authorized and directed to solicit offers from qualified firms for the purchase of the Bonds either through competitive bid or negotiated sale based on his determination as to which method is in the best interests of the County.

In the event of a negotiated sale, the terms of this paragraph shall apply. The offer to purchase the Bonds shall be contained in the Purchase Agreement and shall contain the terms which the Chief Financial Officer is authorized and directed to approve and accept. The Bonds are ordered to be sold to the Purchasers pursuant and in accordance with the Purchase Agreement. The Chief Financial Officer shall be authorized to execute and deliver the Purchase Agreement on behalf of the County. The Purchasers are hereby authorized to use and distribute the Preliminary Official Statement and the Official Statement in connection with the sale of the Bonds.

In the event of a competitive bid, the terms of this paragraph shall apply. The Chief Financial Officer shall solicit offers through competitive bid to purchase the Bonds on such terms as the Chief Financial Officer deems appropriate and to award the Bonds to the lowest responsible bidder, such award to be evidenced by receipt and retention of a good faith deposit by the Chief Financial Officer or the Trustee on behalf of the County, which receipt and retention shall be conclusive evidence of acceptance of the offer. The Chief Financial Officer is hereby authorized and directed to cause the Bonds to be delivered to or upon the order of the Purchasers upon receipt of payment therefor and satisfaction of the other conditions for delivery thereof in accordance with the terms of the competitive bid.

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Section 5. The Chief Financial Officer or his designee is hereby authorized, empowered and directed to execute and deliver a Continuing Disclosure Undertaking (the "Continuing Disclosure Undertaking") in such form as may be required to facilitate the sale of the Bonds. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the County as herein provided, the Continuing Disclosure Undertaking will be a binding contract of the County for the benefit of the beneficial owners of the Bonds and the officers, employees and agents of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed. Notwithstanding any other provision of the Resolution, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Bond to seek mandamus or specific performance by court order, to cause the County to comply with its obligations under the Continuing Disclosure Undertaking.

Section 6. The Chief Financial Officer is authorized to cause to be prepared forms of the Lease-Purchase Agreement, the Trust Indenture, the Bonds, the Purchase Agreement and the Depository Trust Agreement (collectively, the "County Documents") as shall be necessary to carry out the purposes and intent of this resolution, the execution of the Lease-Purchase Agreement, the Purchase Agreement and the Depository Trust Agreement shall be conclusive evidence of approval of such agreements by the Chairman of the Board and the Chief Financial Officer. The Trust Indenture and Lease-Purchase Agreement may be amended, with the consent of Ambac Assurance, to include changes to the projects to be constructed with the proceeds of the Series 2001 Bonds as determined by the Board. The Chairman of the Board, the Chief Financial Officer and the Clerk of the Board are hereby authorized and directed to execute and deliver the Lease-Purchase Agreement, the Purchase Agreement and the Depository Trust Agreement and such other documents as are necessary to complete the transaction. The County's Chief Financial Officer is authorized to select the entity to serve as Trustee under the Trust Indenture and as depository trustee under the Depository Trust Agreement.

Section 7. If the Chief Financial Officer is advised by the County's financial advisor or the Purchasers that the purchase of an insurance policy securing payment of the Bonds or a surety bond or other reserve fund guaranty would be advantageous to the County or the terms of the financing represented by the Bonds, any officer, agent or employee of the County is hereby authorized to negotiate with and secure, with proceeds of the Bonds or otherwise, such an insurance policy or a reserve fund guaranty, or both, from one or more institutions the claims-paying ability of which are then assigned one of the two highest rating categories by a nationally recognized credit rating agency. The Chief Financial Officer is hereby further authorized to execute and deliver any instruments or documents necessary in connection with the purchase of any such insurance policy and/or reserve fund guaranty, including those making provision for the repayment of amounts advanced by the institutions issuing such insurance policy and/or reserve fund guaranty.

Section 8. The County hereby requests the Corporation and the Trustee to take any and all action necessary in connection with the execution and delivery of the Lease-Purchase Agreement, the Trust Indenture and the Depository Trust Agreement and the issuance and sale of the Bonds, including, but not limited to sale of additional real property to the Corporation to be leased back by the County pursuant to the Lease-Purchase Agreement.

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Section 9. Victoria Prins is hereby removed from the Board of Directors of the Corporation and Board hereby approves the appointment of Shelby Scharbach as a member of the Board of Directors.

Section 10. The County covenants that it will do all things necessary to assist the Corporation and the Trustee in the issuance and delivery of the Bonds.

Section 11. After any of the Bonds are delivered by the Trustee to the Purchaser thereof upon receipt of payment therefor, this resolution shall be and remain irrevocable until the Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 12. All actions of the officers and agents of the County or the Board which conform to the purposes and intent of this resolution and which further the issuance and sale of the Bonds as contemplated by this resolution whether heretofore or hereafter taken are hereby ratified, confirmed and approved. The proper officers and agents of the County are hereby authorized and directed to do all such acts and things and to execute and deliver all such documents on behalf of the county as may be necessary to carry out the terms and intent of this resolution. The Chief Financial Officer is delegated the authority to appoint the directors of the Corporation.

Section 13. The Trustee may expend Bond proceeds to purchase bond insurance or other credit enhancement for all or part of the Bonds, if and to the extent required by the Purchase Agreement. The Trustee is authorized and directed to pay or cause to be paid such premiums, fees or costs, together with all other fees, costs and expenses of issuance, from Bond proceeds.

Section 14. In consideration of the purchase and acceptance of the Bonds by the owners thereof and, in consideration of retaining the exclusion of interest income on the Bonds from gross income for federal income tax purposes, the County covenants with the owners from time to time of the Bonds to neither take nor fail to take any action which action or failure to act is within its power and authority and would result in interest income on the Bonds becoming subject to inclusion as gross income for federal income tax purposes under either laws existing on the date of issuance of the Bonds or such laws as they may be modified or amended.

The County agrees that it will comply with such requirement(s) and will take any such action(s) as in the opinion of Greenberg Traurig, LLP ("bond counsel") are necessary to prevent interest income on the Bonds becoming subject to inclusion in gross income for federal income tax purposes. Such requirements may include but are not limited to making further specific covenants; making truthful certifications and representations and giving necessary assurances; complying with all representations, covenants and assurances contained in certificates or agreements to be prepared by bond counsel; to pay to the United States of America any required amounts representing rebates of arbitrage profits relating to the Bonds; filing forms, statements and supporting documents as may be required under the federal tax laws; limiting the term of and yield on investments made with moneys relating to the Bonds; and limiting the use of the proceeds of the Bonds and property refinanced thereby.

Section 15. If any section, paragraph, clause or phrase of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or phrase shall not affect any of the remaining provisions of this resolution.

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Section 16. All orders, resolution and ordinances or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency. This waiver shall not be construed as reviving any order, resolution or ordinance or any part thereof.

DATED this 20th day of November 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

SOLICITATION SERIALS

The first solicitation serial on waste tire recycling was taken separately, as follows:

Award of Solicitation Serials:

~~**02081-RFP — WASTE TIRE RECYCLING, REMOVAL AND FINAL DISPOSABLE** (\$25,000,000 est/ten (10) years)~~

~~Pricing agreement for the recycling, removal and final disposal of waste tires from County designated collection sites. Due to the significant investment required to recycle the continual influx of tires the award is for a period of ten (10) years. The contract is fully funded by the State of Arizona with no cost to the County.~~

- ~~• Materials Management will provide prior to Board Agenda print date~~

This item was changed to clarify the original entry of this solicitation serial and to facilitate the most timely conclusion of this agreement.

02081-RFP WASTE TIRE RECYCLING, REMOVAL AND FINAL DISPOSABLE
(\$25,000,000.00 estimated/ten (10) years with two five (5) year renewal options)

Pricing agreement for the recycling, removal and final disposal of waste tires from County designated collection sites. Due to the significant investment required to recycle the continual influx of tires the award is for a period of ten (10) years. The contract is fully funded by the State of Arizona with no cost to the County. This award is subject to final contract negotiations and approval by the County Attorney's Office TOGETHER WITH DAVID SMITH, COUNTY ADMINISTRATIVE OFFICER.

- CRM Company, LLC

Murray Quance, President of BAS Recycling, Inc. in San Bernardino, CA, said that this is a privately funded company that has had extensive tire recycling experience over the past 13 years and is the only one in the western states equipped to handle the volume of truck tires outlined in the request. He added that they would do 12,000 tons of truck tires this year. He indicated that BAS Recycling has an excellent reputation in California and they hope to expand their work area. He said that he had competed, unsuccessfully, in a "very competitive bidding process" for this recycling project and understood that the report would not be available for review until the end of the year. He hoped his company would receive consideration in future bidding processes for Maricopa County.

Wes Baysinger, Materials Management, said he would meet with Mr. Quance to explain that once the Board approves this award the procurement file will be made available to everyone including the vendors who were not recommended for award. At that time they will have ten days to file a protest on anything they feel should be reconsidered.

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Supervisor Kunasek expressed concern about the award to Waste Tire Recycling stating that he wanted to be absolutely certain that there would be no unforeseen problems this time because so many difficulties have already been experienced in trying to dispose of these tires. He asked Mr. Baysinger if he felt absolutely certain that Waste Tire Recycling could carry such a project through to completion and if so, what gave him that assurance.

Mr. Baysinger said, "This is a very viable company with strong financials and it would be capable of carrying through on this project. They do have what we can tell is a very strong marketing capability of getting rid of their product, which in the past seems to have been the problem, that they could grind it up but they really couldn't find any place to put it" He indicated that he had included several safeguards in the contract in the form of a bond, timetables, and penalties to protect the County's best interests. When questioned, he reported the bond was for half a million dollars. Supervisor Kunasek asked if he was sure that this amount was large enough. He said, "I mean, over time it's a \$25 million contract and we're never going to let it go to the point where we're exposed for more than \$500,000?"

Mr. Baysinger replied that they would, "set up the contract correctly so it's going to be monitored and watched. I'm confident that we'll be able to identify problems before damages or liability to the County would exceed \$500,000."

Discussion ensued with several Supervisors voicing their concern that the company chosen could be unable to fulfill all portions of the contract and that the disposal of these tires and the ongoing problems that have accompanied this issue would not be accomplished. The decision was made for David Smith to represent the Board, together with the County Attorney, in reviewing the final contract for approval and brief each Supervisor, as given above.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to replace and approve item 02081-RFP, under Item 30, Page 8 of the November 20, 2002, Formal Agenda with the amended language above, and to add the County Administrative Officer, David Smith, to the approval process in making the final determination. (As shown above.) (This is Addendum item A-4.)

The remaining solicitation serials were as follows:

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

02091-RFP FLEXIBLE SPENDING ACCOUNT (MSA) ADMINISTRATOR (\$210,000 est/three (3) years w/two (2) one year renewal options)

The purpose of this Award is to establish a contract to provide Flexible Spending Account Claim and Administration Services for Maricopa County Employees. (Mariflex)

- Application Software Inc.

Contract Extensions:

It is recommended that the Board of Supervisors approve the extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

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Until January 31, 2005

- 99122-MS PAINTING SERVICES** (\$1,000,000 est/two (2) years).
Multiple award for painting services as required for locations that Facilities Management Department does not support.
- ACCI
 - Hernandez Companies, Inc.

Until November 30, 2003

- 01143-C DAIRY PRODUCTS** (\$750,000 est/one (1) year)
Recommendation for one-year extension of pricing agreement for dairy products utilized by the MCSO Food Services Department
- Lively Distributing Inc.

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of November 20, 2002 through November 19, 2003. (ADM2304)

- a. Gregg & Maryann Kenninger, dba Sunburst Kennels, 4120 East Pinnacle Vista Drive, Cave Creek, Permit No. 210 (C7903020C)
- b. Marilyn Pauley, dba Evanz, 16853 North 39th Drive, Phoenix, Permit No. 352 (C7903021C)
- c. Deborah Burnett, dba Kismet Kennels, 1040 East Calle de Arcos, Tempe, Permit No. 002 (C7903022C)
- d. Roger & Kay Horn, dba Concho Kennel, 8051 South 13th Place, Phoenix, Permit No. 076 (C7903022C)

AMENDMENTS TO AFFILIATION AGREEMENTS WITH ARIZONA COLLEGE OF ALLIED HEALTH

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendments No. 1 to the affiliation agreements between Arizona College of Allied Health and Maricopa County Correctional Health Services. The amendments will extend the affiliation agreements for a period of one year from March 1, 2003, through February 29, 2004. There are three optional one-year renewals. There is no financial impact associated with these affiliation agreement amendments.

- a. clinical externship program for Medical Assistants (C2602009001)
- b. clinical externship program for Health Information Specialists (C2602010001)
- c. pharmacy externship program for Pharmacy Technicians (C2602011001)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases from \$16.06/hr. to \$16.86/hr. for the following. These

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individuals have passed registration and certification exams and the increases are budgeted. (ADM3308) (ADM 3321)

- a) Two Air Quality and three Environmental Health Specialists positions, retroactive to July 22, 2002. (C88030148)
- b) One Environmental Health Specialist, retroactive to July 1, 2002. (C88030168)

ACCESS AGREEMENTS WITH CITY OF PHOENIX

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve authorization for Maricopa County to enter into Access Agreements with the City of Phoenix. The agreements will allow Maricopa County to continue using five air monitoring sites located on municipal property. The locations are: (C88030182ZZ)

- Salt River Services Center, 3045 South 22nd Avenue, Phoenix AZ 85009 (1 year agreement) (C88030192)
- Maryvale Police Precinct, 6120 West Encanto, Phoenix AZ 85035 (5 year agreement) (C88030202)
- Infectious Disease Control Office, 3315 West Indian School Road, Phoenix AZ 85017 (5 year agreement) (C88030212)
- Well Site No. 94, 8351 North 6th Street, Phoenix AZ 85020 (5 year agreement) (C88030222)
- Well Site No. 70, 3847 West Earl Drive, Phoenix AZ 85019 (5 year agreement) (C88030232)

CASH DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Human Services Department Special Transportation Services (STS) Program to accept cash donations from clients who utilize the services and desire to make such contributions. These funds will be credited as revenue income and will be used to offset expenses in the program budget. It is anticipated that contributions will not exceed \$25,000 during FY 2003. (C22030105M) (ADM2500)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases for the following. The increases are budgeted. (ADM3308) (ADM 3321)

- a) Two Medical Examiners, from \$43.27/hr. to \$48.08/hr. retroactive to August 5, 2002. The individuals have successfully completed their Anatomic Pathology and Clinical Pathology medical boards to the amount advertised and budgeted for this medical board certification level. (C29030040)
- b) One Medical Investigator at 2.5% increase, from \$14.27/hr. to \$14.62/hr retroactive to August 5, 2002. This individual completed six-month probation. It is a practice with the Office of the Medical Examiner, for the last three years, when hiring new employees to advise them that they will become eligible for their first pay increase upon the successful completion of six months of employment. (C29030050)

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AMENDMENTS TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve amendments to Intergovernmental Agreements with Arizona Department of Health Services, as follows, increasing the FY 2003 funding levels:

- a) Amendment No. 3 IGA No. 161026 to provide dental sealant and data collection services, increasing the FY 2003 funding level by \$41,666. Funding for the budget term ending December 31, 2002, will increase from \$248,123.20 to \$289,789.20. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$41,666. (C8601007203)
- b) Amendment No. 4 to IGA No. 152069 to provide HIV surveillance and control services, increasing the FY 2003 funding level by \$56,000. Funding for the budget term ending December 31, 2002, will increase from \$213,953.00 to \$269,953.80. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$56,000. (C8601045204)

AMENDMENT TO SOLE SOURCE CONTRACT WITH CENTRAL ARIZONA SHELTER SERVICES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 2 to sole source contract with Central Arizona Shelter Services, Inc., for the provision of dental services to homeless individuals. The term of the contract is from February 1, 2003, to October 31, 2003, for a contract amount not-to-exceed \$150,000. (C8601061102)

AMENDMENT TO CONTRACT WITH CHICANOS POR LA CAUSA, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Chicanos Por La Causa, Inc., for the provision of multilingual (CBC) HIV behavioral health services. The amendment increases the contract dollar amount by \$13,127. Total funding for the period ending February 28, 2003, will increase from \$55,000 to \$68,127. (C8602617101)

INTERGOVERNMENTAL AGREEMENT WITH WICKENBURG UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Wickenburg Unified School District to provide school-based tobacco use prevention and education services. The term of the agreement is from November 6, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032032)

INTERGOVERNMENTAL AGREEMENT WITH SENTINEL ELEMENTARY SCHOOL DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Sentinel Elementary School District to provide school-based tobacco use prevention and education services. The term of the agreement is from November 20, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032122)

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FIVE-YEAR CAPITAL LEASE FINANCING – PURCHASE OF TELECOMMUNICATIONS AND VIDEO EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve five-year capital lease financing not to exceed \$440,000, to be used for the purchase of telecommunications and video equipment. The equipment will be used to establish a new transmitter site on Mt. Gillen in North Phoenix and for frequency realignment. The video equipment is for the newly established Office of Communications. (C76030078) (ADM5300)

CHANGE ORDER TO CONTRACT WITH JOE E. WOODS, INC.

Item: Approve Change Order No. 16 to Contract JE00-09 with Joe E. Woods, Inc., in the amount of \$1,725,000. This contract is for the construction of the Lower Buckeye Jail Central Services Project. The contract was awarded on October 4, 2000, in the amount of \$40,346,000. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. This change order increase includes multiple changes to contract scope, as well as an additional 144 calendar days, including extended overhead for 40 of the 144 calendar days, as well as final settlement costs for identified issues to date. This change order also identifies new schedule requirements for the contractor to allow the project to go forward as quickly as possible. (C4001006101) (C4001028102) (C40000125)

Supervisor Kunasek said he had heard that there was a "list" that ranked those contractors who have previously performed in an exemplary manner on County jobs over contractors who have performed poorly. He asked if there was such a record for use in future bid awards. Heidi Birch, Capital Facilities Development, replied that performance had not been a factor in the past since there had been no criteria other than being able to bond and insure, and projects were awarded by the low-bid. She said that new legislation passed two years ago gave the County the opportunity to consider past performance if using design-build, CM at risk, or job order contracting. She indicated that in those cases, past performance could and would be criteria for awarding a contract.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Change Order No. 16 to Contract JE00-09 with Joe E. Woods, Inc., in the amount of \$1,725,000.

CONTRACT WITH THE ORCUTT/WINSLOW PARTNERSHIP

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and authorize the execution of Contract CFD 02-03, with The Orcutt/Winslow Partnership of Phoenix, Arizona, in substantially the form approved by County Counsel, in the amount of \$757,406. This contract is to provide Public Health Clinic and Environmental Services Facility Architectural Design Services. The contract is scheduled to take six months for design services. The total approved budget for these projects is \$15,529,938, with \$3,073,272 identified as programming and design. This project is located on 16th Street and Roosevelt. (C40030065)

CALL FOR BIDS AND AWARD – WEST COURT – INSTALL FIRE PUMP

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the engineer's estimate for the project "West Court – Install Fire Pump". Project number 2001202029 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 100, Agency 480, Org. 4832, Object Code 0915.01. The completion

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of this project is necessary to separate the existing fire sprinkler protection systems that service the Central and West Court buildings. (C70030285)

EASEMENTS, RIGHT-OF-WAY

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A095.022 Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement
(AC) for Highway Purposes – Parcel No. 200-08-073 - Ruby M. Vittorio – for the sum of
\$4,693.00.

A095.022 Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) – Purchase Agreement
(AC) and Escrow Instructions – Parcel No. 200-08-073 - Ruby M. Vittorio.

A160.002-2 Project No.: 69010 – Jensen St. (Crismon Road – Signal Butte Road) – Drainage
(AC) Easement – Parcel No.: 220-03-018 – Carol Joyce Cook and Zora Ruth Rushton – for
the sum of \$500.00.

A195.003 & Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Easement
A195.005 and Agreement for Highway Purposes - Parcel No. 202-21-008T, 031E - Kraus
(AC) Investments, L.C. - for the sum of \$2,685.00.

A195.003 & Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Purchase
A195.005 Agreement and Escrow Instructions - Parcel No. 202-21-008T, 031E - Kraus
(AC) Investments, L.C.

A195.011 Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Easement
(AC) and Agreement for Highway Purposes - Parcel No. 202-21-035B – Horst Kraus and
Gisela Kraus – for the sum of \$500.00.

A195.011 Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Purchase
(AC) Agreement and Escrow Instructions - Parcel No. 202-21-035B - Horst Kraus and Gisela
Kraus.

A250.005 Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) – Easement and
(AC) Agreement for Highway Purposes - Parcel No. 503-30-024F- Hung Kin Lo and Grace Lo
- for the sum of \$6,061.00.

A250.005 Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) – Purchase Agreement
(AC) and Escrow Instructions – Parcel No. 503-30-024F- Hung Kin Lo and Grace Lo.

A250.023 Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) – Easement and
(AC) Agreement for Highway Purposes - Parcel No. 503-30-029H - Robert H. Shelley and
Sandra Shelley - for the sum of \$6,833.00.

A250.023 Project No: 69010 - 239th Avenue (Jomax Road - Patton Road) – Purchase Agreement
(AC) and Escrow Instructions – Parcel No. 503-30-029H - Robert H. Shelley and Sandra
Shelley.

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TRAFFIC CONTROLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following traffic controls: (F22999)

A DESIGNATED SCHOOL CROSSING on Memorial Drive 10 feet west of Spirit Drive.
(C64031215)

A DESIGNATED SCHOOL CROSSING on Memorial Drive 10 feet west of Iron Horse Way.
(C64031215)

A DESIGNATED SCHOOL CROSSING on Heather Lane 10 feet north of Butler Street.
(C64031225)

SOLICITATION OF BIDS AND AWARD – ASPHALT-RUBBER OVERLAY PROJECT, FALL 2002

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Asphalt-Rubber Overlay Project, Fall 2002, under Work Order Number 69048; and approve the award of a contract to the lowest responsive bidder, providing the lowest responsive bid does not exceed the engineer's estimate by more than 10%. The project consists of milling the existing road surfaces and overlaying with a two-inch thick asphalt-rubber concrete pavement. This project is located at State Route 303 (Estrella Freeway) from Indian School Road to Northern Avenue, MC 85 from Perryville Road to the Buckeye Canal Bridge, Miller Road from Southern Avenue to the I-10 Frontage Road, and Peoria Avenue from 111th Avenue to Peoria's City Limit. (C64030955)

WAIVER TO THE COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan and approve a retroactive salary advancement to increase the base pay rate for employee Arvel Herring, Equipment Operator - Level III from \$13.33 to \$14.29, effective June 10, 2002. The retroactive pay will come from the Construction and Operations Division temporary pay and will not exceed \$1,050. On June 26, 2002, the Board approved salary advancements for approximately 65 MCDOT Equipment Operators to bring their pay rate to the market minimums established by the Total Compensation staff. The salary increases were effective June 10, 2002. Mr. Herring did not receive an increase at that time because his supervisor inadvertently notified McDOT Human Resources staff that he was an Equipment Level II Operator. Mr. Herring was and is currently an Equipment Operator Level III. The market minimum for Equipment Operators Level III is \$14.29. Mr. Herring's pay rate was not increased to market range minimum because of the inaccurate information provided to McDOT Human Resources. (C64031075) (ADM3308)

REIMBURSEMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following reimbursements for costs incurred for the design and relocation of facilities in conflict with McDOT Projects: (ADM2000-006)

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- a) Queen Creek Irrigation District, Project 68927 – Ellsworth Road from Germann Road to Baseline Road. The cost may not exceed the current estimate of \$49,638.00 by more than 10%. (C64031115)
- b) New River Utility Company, Project 68982 – Deer Valley Road Bridge at New River. The cost may not exceed the current estimate of \$2,000 by more than 10%. (C64031125)
- c) Roosevelt Irrigation District, replacement of their irrigation pipe in conflict with Project No. 16212, PM 10 Roads (Phase 2) in SW area. The cost may not exceed the current estimated amount of \$12,000 by more than 10%. (C64031195)
- d) Salt River Project, relocation of 2 – 12kV power poles in conflict with Project No. 16215, PM 10 Roads (Phase 3) in NW area. The cost may not exceed the current estimated amount of \$17,904 by more than 10%. (C64031205)

INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Town of Queen Creek. This agreement provides funding to the town in the amount of \$163,000 as recommended by the Transportation Advisory Board and allocated in the Departments TIP budget through the Small Cities Transportation Assistance Program (SCTAP). Funding through SCTAP is provided for Queen Creek Plaza Street Improvement Project which includes the following streets: Pickett Street at 209th Street, Duncan Street at 209th Street, Munoz Street at 209th Street, 208th Place – Ocotillo Road to Pickett Street. The town agrees to: (C64031152)

- Act as the contracting authority for the Project including engineering services, preparation of plans, specifications, estimates, bid phase, construction phase, and as-builds for all construction phases of the project.
- Upon opening of bids before award of contract, submit a written request to the County for advancing funds for the construction of the project, amount not-to-exceed \$163,000.
- Acquire any right-of-way necessary for the completion of the project.
- Request construction funds prior to June 15, 2003.
- Provide a final accounting of all funds at the completion of the project.
- Return to McDOT any funds remaining at the end of the project.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF TEMPE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the City of Tempe. This agreement allows for the City to acquire property within unincorporated Maricopa County for their scheduled improvements to Miller Road, south of Curry Road. The City will annex all County right-of-way acquired for the roadway improvement. (C64031232)

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MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

INTERGOVERNMENTAL AGREEMENTS WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve new intergovernmental Agreements between Maricopa County Community College District and Maricopa Integrated Health System for the following services. These are non-financial agreements.

- a) Volunteer Placement Services commencing on August 23, 2002, and will continue until either party terminates the agreement with written notice. (C90030252)
- b) Federal Work-Study Program commencing upon execution by the Board of Supervisors and will continue until either party terminates the agreement with thirty days written notice. (C90030262)

HEARINGS SET - SUPERIOR COURT USER FEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to set a public hearing for 9:00 a.m., Wednesday, December 18, 2002, to solicit comments and authorize the establishment of a user fee of \$20 to offset the costs associated with responding to requests for copies of electronically created and maintained court proceeding records. Authority for this request is based on A.R.S. §11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). The fee is assessed upon the filing of each request for a CD copy of the electronic court proceeding record. The fee collected would be deposited by the Clerk of the Court in Special Revenue Fund (Fund 259) with the Maricopa County Treasurer for disbursement by the Presiding Judge. Monies collected in the fund are needed to offset the material, labor, and personnel costs of responding to requests for electronic copies of the records. (C38020258) (ADM1005)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 4, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows.

Z2002-069; CPA2202-002; DMP99-05

PRECENCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - COUNTY ATTORNEY

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of James Cabansag, Matthew Long, as special deputy county attorneys in the Office of the County Attorney.

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7115	7129	\$25,389.42
2002	5476	6072	-\$1,449,296.14

BOUNDARY CHANGE IMPACT STATEMENT RECEIVED FROM DAISY MOUNTAIN FIRE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to affirm that no amendments were necessary to the boundary change impact statement received from Daisy Mountain Fire District pursuant to ARS §48-262(A)2. The chairman had no comments regarding this impact statement pursuant to ARS §48-262(A)4 and it was approved as given. (ADM4426)

FRANCHISE WAIVER – RIO VERDE UTILITIES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the request from Richard L. Sallquist, regarding Rio Verde Utilities, Inc., public service franchise, and waive the six month filing requirement in Paragraph 11 of the franchise (granted by the Board on March 20, 2002) with the understanding that the Certificate of Assured Water Supply (CAWS) from the Arizona Department of Water Resources will be filed with the subdivision plats and processed through the appropriate County agencies. (F22517)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a request to issue duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY			
Name	Warrant	Fund	Amount
Daniel I. Belisle	00330513408	Expense	\$682.00
Mary J. Martorana	13-0153257	779	\$976.84
Tobin R. Sloane	AD00320558233	Expense	\$25,453.94

SCHOOL			
Name	School	Warrant	Amount
Kyle M. Kroff	Mesa	730021608	\$23.38
National Fire Control	Avondale	430009696	\$528.32
Sunlife Paint Co.	Phoenix #1	43-0003487	\$297.89
Western Sod	Tolleson	43-0018070	\$384.16

STALE DATED WARRANTS

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Michelle Walsh	\$852.28
Mercedes A. Krause	\$119.61

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases, list dated November 20, 2002. (ADM704)

2001
2002
 TX 01-000434
 ST 01-000245
2002/2003
 TX01-000537
2003

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Assessor's request to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
109-45-042	2000	Thomas Simms	LC/4	LC/3
109-45-042	2001	Thomas Simms	LC/4	LC/3
109-45-042	2002	Thomas Simms	LC/4	LC/3
112-13-067	2000	Jose Vargas	LC/4	LC/3
112-13-067	2001	Jose Vargas	LC/4	LC/3
112-13-067	2002	Jose Vargas	LC/4	LC/3
118-07-006	2000	Whilma Crawford	LC/4	LC/3
118-07-006	2001	Whilma Crawford	LC/4	LC/3
118-07-006	2002	Whilma Crawford	LC/4	LC/3
118-15-073	2000	Joseph Star	LC/4	LC/3
118-15-073	2001	Joseph Star	LC/4	LC/3
118-15-073	2002	Joseph Star	LC/4	LC/3
131-10-022	2000	Harles Normandin	LC/4	LC/3
131-10-022	2001	Harles Normandin	LC/4	LC/3
131-10-022	2002	Harles Normandin	LC/4	LC/3
131-45-032	2000	Illiam Thompson	LC/4	LC/3
131-45-032	2001	Illiam Thompson	LC/4	LC/3
131-45-032	2002	Illiam Thompson	LC/4	LC/3
135-60-186	2000	Ruth Schmucker	LC/4	LC/3
135-60-186	2001	Ruth Schmucker	LC/4	LC/3
135-60-186	2002	Ruth Schmucker	LC/4	LC/3

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139-35-168	2000	Elaine M Brown	LC/4	LC/3
139-35-168	2001	Elaine M Brown	LC/4	LC/3
139-35-168	2002	Elaine M Brown	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held November 4, 2002.) (ADM407)

Melanie Barry	\$1,800.00
Ana Cano	8,000.00
Maria Castrejon	3,000.00
Maudie Downer	500.00
Jesus Hernandez	5,000.00
Ornail Hunt	4,000.00
Irving Lassiter	1,000.00
Juanita Ponce	500.00
Jose Rodriquez	2,000.00
Taryn Selek	2,600.00
Tearsin Shumway	1,850.00

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested write-off as payment in full for the case of Rachel Alvarez in the amount of \$90,308.62. (Discussed in Executive Session held November 4, 2002.) (ADM407)

PUBLIC COMMENT

Anthony Abril, citizen, suggested that the County and City of Phoenix work intergovernmentally to charge impact fees so that revenues are used throughout the county and not just in specified areas in Phoenix. He believes that the South Phoenix and Rio Salado neighborhoods are not being allotted a fair share of revenue funds. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Brock said that the San Tan Park opening would be held Saturday, November 23, 2002, beginning at 9:00 a.m. with many entertaining activities planned for all ages. He reported that the opening is the result of an enormous amount of work and dedication between Maricopa and Pinal Counties, the cities of Chandler, Gilbert, Queen Creek and Mesa and individual citizens and groups. He said a company has been selected to create a new master plan for the park and in January a series of public meetings will be held on this matter. (ADM606)

Chairman Stapley said he was also excited about the park's grand opening and he expected that the residents of that area would attend and show their excitement at finally getting to this point in establishing such a beautiful and anticipated park near their homes. He indicated his anticipation despite the fact that there is little infrastructure added to the parklands as yet. He said that the park is located in a gorgeous area and offers breathtaking hiking and horseback riding terrain for those individuals and families who enjoy high desert vistas.

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Supervisor Wilson commented on the Peoria water crises of the past few weeks. He thanked the Public Health Department and the City of Peoria for "going non-stop" in their testing efforts and in bringing control to the situation. He said, "It's not an easy problem to solve but we're taking all the right steps and will continue to do so until we have found the solution."

Supervisor Wilcox spoke on the groundbreaking ceremony held earlier for the Homeless Campus of Care, saying it had been a tremendous feat for the County to step up to take control of the homeless issue when no one else would. Supervisor Brock added that it will be known as the Human Services Campus and not as The Homeless Shelter, and cities, towns and private participation had helped government make it possible. He said that between \$15 and \$16 million has already been committed to this project with another \$6 million to go.

Supervisor Wilcox also mentioned her appreciation of the County magazine in pulling the news of County government together and publishing it in an entertaining format.

Chairman Stapley said that this week celebrates the 125th anniversary of the founding of the County Hospital in 1887, explaining that it was called The Pest House at that time and today it has evolved into the Maricopa Integrated Health System. He hoped that the public would take some time to understand and celebrate the great service that the County's health system provides for all the residents of Maricopa County, especially the indigent and those who are less fortunate. He spoke of the testimonials recently given by former patients who had ended up in the County facilities such as several police officers who were shot or severely burned in the line of duty and a young child whose leg was nearly severed in an attack by pit bulls a year ago and who walked up to the grandstand. He indicated that many other miracles had been performed at County Hospital one after another. He said the County is admittedly having financial problems but the Board and administrators are working hard and focusing on the infrastructure and making a number of improvements to make the hospital a long-term and viable operation, "because that's what the community needs."

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

- | | | |
|-----------|-------------------|--|
| 1. | Z2001-022 | District 5 |
| | Applicant: | Arturo & Irma Carranza |
| | Location: | South of the southeast corner of Southern Ave. and 101st Ave - approximately 700' south of Southern Ave. between 99th Ave. and 107th Ave. (in the Estrella/southwest Phoenix area) |
| | Request: | Special Use Permit (S.U.P.) for a permanent rodeo facility for Lienso Tres Potrancas (3.0 acres) |

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2001-022, subject to stipulations "a" through "ee". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 8-0.

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- a. Development and use of the site shall comply with the site plan entitled "Rodeo Arena" consisting of one full-size sheet, dated revised August 23, 2002 and stamped received August 24, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Lienso Tres Potrancas" consisting of two pages, dated May 25, 2001 and stamped received September 24, 2001, except as modified by the two-page letter from Aaron Kizer dated July 19, 2002, and stamped received July 19, 2002, except as modified by the following stipulations.
- c. Building permits shall be obtained for all structures on site, including bleachers, prior to the first event.
- d. Prior to the first event or any construction activities, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- e. A drainage clearance is required prior to issuance of a building permit and/or prior to the first event.
- f. Prior to the first event, the internal driveways and parking spaces shall be surfaced with a form of dust proofing deemed acceptable by the Environmental Services Department.
- g. All refuse and animal wastes shall be stored within an enclosed and odor-proof container. Prior to the first event, the applicant shall submit evidence that containers have been provided for adequate storage of one event's accumulation of manure. All manure shall be removed from the site no later than 24 hours from conclusion of the event.
- h. Adequate water supply and quality for drinking and sanitation purposes shall be required. For drinking purposes, a supply of 10 gallons per person shall be required.
- i. One trash can with a 32-gallon capacity shall be provided for every 25 people in attendance at an event.
- j. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.
- k. There shall be no signs associated with the use.
- l. One off duty police officer shall be required for every 100 persons expected in attendance at events.
- m. There shall be restroom facilities including a permitted wastewater system for the site prior to the first event. Said facility shall comply with all requirements of the Maricopa County Environmental Services Department.
- n. A full safety inspection by a licensed inspector shall be conducted on the facility prior to the first event. The report shall be submitted to Planning and Development Department for review. Any items found in disrepair or to be hazardous shall be fixed or replaced prior to the first event.

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- o. The site shall be screened with a six-foot tall (6') solid fence in good repair on the north side and for a distance of at least 50' on the east side and 100' on the west side as measured from the north boundary line.
- p. All parking spaces depicted on the site plan shall be brought into compliance with the Maricopa County Zoning Ordinance, at the discretion of the Maricopa County Department of Transportation, prior to the first event.
- q. Prior to any public event, the applicant must contact Special Events Coordinator at the Environmental Services Department for special events permit requirements.
- r. Horse boarding activities are prohibited.
- s. No alcohol shall be sold or consumed on site, without the applicant having first obtained a valid liquor license.
- t. All food service sales must be permitted by the Maricopa County Environmental Services Department.
- u. Events will be limited to two Saturdays per month from 1:00 p.m. to 9:00 p.m.
- v. The maximum number of people allowed on site at one time shall be 200.
- w. Off site parking is prohibited. All on-site parking shall be in compliance with the Maricopa County zoning Ordinance.
- x. Loudspeakers and amplified sound shall be limited to a decibel level of 55 dbL at the property line.
- y. Fireworks shall not be permitted.
- z. The applicant shall submit a written report outlining the status of the development each year at the anniversary date of approval by the Board of Supervisors. This status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- aa. This Special Use Permit shall expire three (3) years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- bb. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- cc. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

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- dd. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- ee. If requested by the City of Phoenix, a Traffic Mitigation Plan will be required to be submitted to the City of Phoenix Streets Department for approval, prior to the first event.

Joy Rich, Director of Planning and Development, said this case was for a permanent private-use, twice-a-month rodeo facility on three acres in the southwest Phoenix area. The City of Phoenix originally expressed concern about this request but has relented with the above stipulations in place. The Planning Commission and staff will also support this application with the stipulations.

Aaron Kaiser, attorney for applicants, indicated that a large number of supporters for these family rodeos were present and he asked them to stand to show their support. He said that the architect and applicants had met with the County and had made a number of changes in order to come into compliance, including the installation of new bleachers. He indicated that this use would be for three years as the City of Phoenix has plans for the site at that time. In answer to several neighborhood complaints, they have hired two off-duty policemen as security and to police the area during events.

Joe Reitz, citizen, spoke in opposition and said a petition had been sent to P&Z with 54 signatures that wasn't mentioned by Ms. Rich, and he added that he had brought another 10 opposition signatures with him. He added that many of those who had signed the petition had attended several earlier Board meetings where this matter had been continued and were not able to miss another day of work to attend again. He indicated that much of the opposition, besides the nuisance factor, was to the proposed commercial element and traffic congestion in their rural neighborhood. He cited alcohol and food complaints and complaints of public urination and said there were two pages of complaints from earlier rodeos included in the Sheriff's reports that P&Z had in their files. He explained that an eight-hour event every other Saturday would congest and disrupt the neighborhood during half of the weekends of every year and residents felt that the noise, dust, glare of the lights and music would be a great nuisance to have to put up with that often. He mentioned that trucks and farm equipment are already parking on the undeveloped dirt roads and hay is stacked along the side of the roads. "If an emergency vehicle had to get down those roads it couldn't do it," he said. He added that approving this "would bring many real hazards to the area, and especially on weekends when kids are out playing and riding their bikes and horses, and there are no stop signs or stop lights to slow all that traffic down." He stated that alcohol consumption at last year's rodeo events was going on off-site because the Carranzas were denied their liquor license requests last year. To circumvent complaints they started to call their rodeos "family gatherings" and continued to hold the same type of event with the same type of crowds. Sheriff's deputies said they were not able to do anything about the complaints they received because they have no way to monitor a family gathering. This frustrates residents who feel they have no recourse to limit undesirable elements and encroaching development in their neighborhood.

Tony Tercero, citizen, is involved with the Cesear Chavez Foundation and the Carl Hayden Youth Center and the Center has received concession revenue from the rodeos. He said he has worked at six of the rodeos and they have been well organized and supervised. He acknowledged that those who are not used to the Hispanic type of rodeo could experience a "bit of a cultural-shock" but assured the Board that the Cesaer Chavez Foundation would not lend its name to events that did not have security present.

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Keith Heilman, resident in the area since 1977, said that La Corona rodeo grounds are located near 35th Avenue and Baseline Road and there are already rodeo grounds located near 51st Avenue and the river bottom with another at 67th Avenue and the river bottom and that Estrella Mountain Park has a rodeo ground with all the facilities. He asked, "Why do we need to duplicate this again?" He indicated that his property abuts the property in question and asked "How many of the people who just stood up in support live within a half mile of this rodeo ground and are going to be impacted by the noise and all the associated nuisances that go with it?" He indicated that they had only gone to residents living within a half-mile radius to obtain the 64 names in opposition and had met very few living in close proximity who were in favor of holding the events. He stated that approving this commercial establishment would open the door for others to come into this Rural-43 zoned area that has only rural and farm families living in it. He invited any of the Board to come to his deck during one of the rodeos and try to have a normal conversation with him with all the noise from the event. He said that today's meeting is the fourth one he has attended and charged that the previous continuances were simply "a tactic that they used" to offset any opposition. He asked the Supervisors to feel some sympathy for the neighbors living in that community because those supporting the events did not live there.

Jimmie Gomez, resident, spoke in support saying he lives within 75 feet of the bandstand at the rodeo ground and that he enjoys the rodeo although he does not participate in it. He doesn't feel there is a severe dust problem and said, "as far as the road is concerned I plan to clean it out and make it into a two-lane highway as soon as these people get a permit. I also believe there is some perjury in some of the things that were said and I also believe that there is some prejudice against the people who are trying to practice their culture from Mexico."

Anthony Abril, citizen, said he noticed there was no buffer, like a wall, to contain noise bothering residents in the area. Regarding stipulation "s" and liquor licenses issued if the Carranza Rodeo Arena is approved he felt that to comply with state liquor license laws there should be a criminal records check on the background of workers at the event by the sheriff and police to legitimize it.

Others signing speakers slips in support of this measure but not speaking included Robert Gomez, Aaron Kizer, Moses Gutierrez, Erika Carranza, Eduardo Enriquez, Edith Chaldez, Ernest Villaverde and Juan Casio.

Supervisor Wilcox said that stipulations have addressed quite a few of the concerns expressed by residents and the applicant has agreed to abide by them. She felt that the investment they would make to comply with the stipulations is tremendous since the facility would only be there for the three years the Special Use Permit covers. She said the City of Phoenix had doubts at first but finally agreed when the stipulations and three-year duration were added. She informed the Supervisors that the Planning Commission had closely questioned the Carranzas on the stipulations and felt comfortable in granting the permit and that she also feels comfortable in supporting it.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "ee."

MEETING ADJOURNED

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

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There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Don Stapley, Chairman of the Board

Fran McCarroll, Clerk of the Board